



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Name: Updating of Housing and Building Maintenance Code (HBMC) Standards for Consistency with the Seattle Building Code and Coordination of the Existing Vacant Building Standards in the HBMC with the Provisions of SMC 23.91, Citation- Hearings- Penalties.

Applicant Name: City of Seattle - Department of Planning and Development

Location of Proposal: City Wide

SUMMARY OF PROPOSED ACTION

The Department of Planning and Development (DPD) is proposing to amend the Housing and Building Maintenance Code (HBMC) Habitable Buildings, SMC 22.206, to conform to current Seattle Building Code standards and to include enforcement of the prohibition on junk storage and non-accessory parking of vehicles as listed in SMC 23.91.102 with the minimum standards for vacant buildings in SMC 22.206.200.A.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading, or demolition,
 or another agency with jurisdiction.

Background

Title 22, Building and Construction Codes, Subtitle II, Housing Code, contains the Housing and Building Maintenance Code, SMC 22.200 through 208. The intent of these chapters is to provide for and promote the health, safety and welfare of the general public through setting minimal standards for buildings. SMC 22.206, Habitable Buildings, sets forth requirements for light and ventilation, heating, stairway and vacant buildings. Title 23, the Land Use Code, Chapter 23.91, Citation – Hearings – Penalties, sets forth procedures for the enforcement of junk storage and vehicle parking in residential zones.

The Proposal

The Department of Planning and Development (DPD) is proposing to amend the Housing and Building Maintenance Code (SMC 22.200 – 22.208) to update housing code standards to conform to current Seattle Building Code standards and to amend the Land Use Code, Citation – Hearings - Penalties (SMC 23.91) to streamline vacant building enforcement involving junk storage, vehicle storage and parking, and overgrown vegetation by including these as premises maintenance violations in the Vacant Building Standards in SMC 22.206.200.

Specifically the proposed ordinance would:

1. Update the light and ventilation standards for window size in SMC 22.206.040.A from 10% to 8% of the floor area, to be consistent with the analogous standards in the current Seattle Building Code;
2. Update the heating standards for attainable temperatures in cold weather in SMC 22.206.090 from 65° to 68° and two-feet from exterior walls, to be consistent with the analogous standards in the current Seattle Building Code;
3. Update the fire and safety standards for stairway configuration in SMC 22.206.130 to be consistent with those in the current Seattle Building Code as follows:
 - a. Minimum run changed from 9” to 10”;
 - b. Maximum rise changed from 8” to 7 ¾”;
 - c. Maximum variance in rise and run changed from one-half inch to three-eighths inch;
 - d. Minimum stairway width changed from 30” to 36”;
 - e. Handrail height changed from between 28 and 42 inches high to between 34 and 38 inches high; and
 - f. Required headroom in the stairway changed from 6’6” to 6’8”.
4. Amend the minimum standards for vacant buildings in SMC 22.206.200.A.4 to include provisions for maintenance of yards and premises currently enforced pursuant to provisions in SMC 23.91.002.A and SMC 10.52;
5. Amend the enforcement provisions of Section 23.91.002 of the Land Use Code to clarify that storage of junk and vehicles at vacant building sites must be addressed via the maintenance provisions for vacant buildings and premises in SMC 22.200.a.4.d. This is intended to reduce the number of enforcement documents needed, simplifying and streamlining the process for both the City and the customer so that community problems resulting from vacant buildings may be addressed more effectively.
6. Correction of outdated formatting and expired references.

These provisions will be applicable to all properties within the City of Seattle that currently are subject to regulation under the provisions of the Housing and Building Maintenance Code.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments at a future City Council Public Hearing.

ANALYSIS - SEPA

This proposal is an adoption of legislation, which is defined as a non-project action. This action is not categorically exempt (SMC 25.05.800). A threshold determination is required for any proposal that meets the definition of “action” and is not categorically exempt.

The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the applicant dated July 12, 2010. The information in the checklists, the Director’s Report and Recommendation, other information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

ELEMENTS OF THE ENVIRONMENT

Adoption of the recommended Code amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the possible long-term adverse impacts to *Air, Water, Energy and Housing* environmental elements that might conceivably result from future actions relevant to the proposal.

Air

The proposed Code changes include an increase in the home heating standards for attainable temperatures in cold weather from an average of 65° to a minimum of 68°. The measurement standard of three-feet above the floor remains but is modified to be measured no closer than a minimum of two-feet from any exterior wall. The requirement for a higher minimum temperature is likely to increase the amount of furnace oil or gas usage.

These changes may result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. Also, increased temperature standards and resultant increased energy usage and costs may entice property owners to convert existing low efficiency furnaces to newer and higher efficient furnaces or other energy saving measures, such as adding wall insulation or insulated windows. Even without these possible measures, no significant long term adverse impacts to air quality are anticipated due to the increase in energy usage and therefore mitigation is not necessary.

Water

Improper storage of junk vehicles that may leak oil, gas or other toxic fluids can result in these fluids entering the soil and / or stormwater and eventually ground water or drainage basin water bodies. The more efficient enforcement of the Housing, Building and Maintenance Code, as proposed by this Ordinance, would likely result in better controls on these impacts and therefore no mitigation is required.

Energy

Possible increased energy consumption, as outlined in *Air* above, is a possibility of this Ordinance. However, the amount of increase is not likely to be significant. It does not require an occupant of an affected dwelling unit to maintain a minimum (increased) temperature of 68, but only requires the ability to achieve that minimum temperature. Also, any anticipated increases could be offset by the conversion to higher efficiency furnaces or the installation of other energy savings measures. Consequently, overall no significant adverse impacts are anticipated. Hence no mitigation is warranted.

Housing

The Housing, Building and Maintenance Code contain requirements and standards for the regulation of vacant buildings, which includes dwelling units (housing). The proposed Ordinance would amend to the Land Use Code regarding the enforcement of the junk and vehicle storage provisions of SMC 23.91.002 to include the enforcement of these items with the enforcement of the vacant building provisions of the HBMC when a potential violation of 23.91.002 involves a vacant building.

The Seattle Comprehensive Plan's Housing Element contains language to safe guard the condition and quality of the City's housing stock and policies to assure a supply of safe and healthy housing. Toward this end, the Housing and Building Maintenance Code establishes requirements for the maintenance of existing buildings. Further, the Land Use Code prohibits the demolition of structures containing dwelling units, except under limited circumstances (SMC 23.40.006). The proposed Ordinance does not propose changes SMC 23.40.006 that are contrary to the aforementioned Comprehensive Plan policies. No significant change to the rate of housing demolition is expected therefore no conditioning is warranted for this environmental element.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2) (C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (C).

Signature: (signature on file)
Art Pederson, Urban Planner
Department of Planning and Development

Date: August 5, 2010

AP:ga